



March 4, 2021

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VIA ELECTRONIC FILING

The Honorable Stephanos Bibas
18614 U.S. Courthouse
601 Market Street
Philadelphia, PA 19106

Warren K. Mabey, Jr.
Principal
mabey@fr.com
302 778 8456 direct

Re: *TexasLDPC Inc. v. Broadcom Inc. et al.*, C.A. No. 1:18-cv-01966-SB

Dear Judge Bibas:

TexasLDPC respectfully requests that the Court set a case management conference. This matter has been pending for over two years and is ripe to proceed to scheduling and discovery.

TexasLDPC filed a complaint for patent and copyright infringement against Defendants on December 12, 2018. Defendants filed a motion to dismiss for lack of standing and for failure to state a claim upon which relief can be granted on March 1, 2019. The Court held oral argument on the motion on March 11, 2020. At the hearing, the Court denied Defendants' standing challenge and also denied Defendants' motion to dismiss with respect to the vast majority of patent infringement claims (*i.e.*, the patent claims against the HDD and SSD products). On March 18, 2020 the Court granted Defendants' motion in part, with respect to a subset of certain patent infringement claims directed towards Wi-Fi products and the copyright claims. The Court granted TexasLDPC leave to amend the complaint with respect to those claims and TexasLDPC did so on April 15, 2020. The second amended complaint addressed the Court's specific concerns and provided substantial support for the Wi-Fi and copyright claims. Defendants filed a renewed partial motion to dismiss that subset of claims on May 22, 2020 and briefing was completed on June 26, 2020.

Subsequently, TexasLDPC has reached out to Defendants on multiple occasions pursuant to Rule 26(f) to plan for discovery and to discuss a schedule for this case. Counsel for TexasLDPC emailed counsel for Defendants multiple times, sent a proposed schedule and protective order, and sought a teleconference to discuss. Defendants have simply refused to engage with TexasLDPC while the partial motion to dismiss remains pending.

Regardless of the Court's ruling on Defendants' renewed motion, the vast majority of the case is and has been ready to proceed. The narrow and discrete issues implicated by Defendants' motion can easily be addressed in parallel with the preliminary scheduling-related activities. TexasLDPC thus seeks a conference with the Court to assist in moving this case forward.

Sincerely,

A handwritten signature in black ink, appearing to read "Warren K. Mabey".

Warren K. Mabey Jr.

Cc: All Counsel of Record – via e-mail.